

House File 772 - Introduced

HOUSE FILE _____
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 640)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to public indecent exposure in certain
2 establishments and making a penalty applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2405HV 83
5 jm/nh/8

PAG LIN

1 1 Section 1. Section 728.5, Code 2009, is amended to read as
1 2 follows:
1 3 728.5 PUBLIC INDECENT EXPOSURE IN CERTAIN ESTABLISHMENTS.
1 4 1. An owner, manager, or person who exercises direct
1 5 control over a place of business required to obtain a sales
1 6 tax permit shall be guilty of a serious misdemeanor under any
1 7 of the following circumstances:
1 8 ~~1- a.~~ If such person allows or permits the actual or
1 9 simulated public performance of any sex act upon or in such
1 10 place of business.
1 11 ~~2- b.~~ If such person allows or permits the exposure of
1 12 the genitals or buttocks or female breast of any person who
1 13 acts as a waiter or waitress.
1 14 ~~3- c.~~ If such person allows or permits the exposure of
1 15 the genitals or female breast nipple of any person who acts as
1 16 an entertainer, whether or not the owner of the place of
1 17 business in which the activity is performed employs or pays
1 18 any compensation to such person to perform such activity.
1 19 ~~4- d.~~ If such person allows or permits any person to
1 20 remain in or upon the place of business who exposes to public
1 21 view the person's genitals, pubic hair, or anus.
1 22 ~~5- e.~~ If such person advertises that any activity
1 23 prohibited by this section is allowed or permitted in such
1 24 place of business.
1 25 ~~6- f.~~ If such person allows or permits a minor to engage
1 26 in or otherwise perform in a live act intended to arouse or
1 27 satisfy the sexual desires or appeal to the prurient interests
1 28 of patrons.
1 29 2. However, if such person allows or permits a minor to
1 30 participate in any act included in ~~subsections 1 through 4~~
1 31 subsection 1, paragraphs "a" through "d", the person shall be
1 32 guilty of an aggravated misdemeanor.
1 33 3. The Except for subsection 1, paragraph "f", the
1 34 provisions of this section shall not apply to a theater,
1 35 concert hall, art center, museum, or similar establishment
2 1 which is primarily devoted to the arts or theatrical
2 2 performances and in which any of the circumstances contained
2 3 in this section were permitted or allowed as part of such art
2 4 exhibits or performances.
2 5 Sec. 2. Section 728.8, Code 2009, is amended to read as
2 6 follows:
2 7 728.8 SUSPENSION OF LICENSES OR PERMITS.
2 8 Any person who knowingly permits a violation of section
2 9 728.2, 728.3, or 728.5, subsection ~~6~~ 1, paragraph "f", to
2 10 occur on premises under the person's control shall have all
2 11 permits and licenses issued to the person under state or local
2 12 law as a prerequisite for doing business on such premises
2 13 revoked for a period of six months. The county attorney shall
2 14 notify all agencies responsible for issuing licenses and
2 15 permits of any conviction under section 728.2, 728.3, or
2 16 728.5, subsection ~~6~~ 1, paragraph "f".
2 17 EXPLANATION
2 18 This bill provides that a person commits an aggravated

2 19 misdemeanor for permitting public indecent exposure in a
2 20 theater, concert hall, art center, museum, or similar
2 21 establishment which is primarily devoted to the arts if such
2 22 person allows or permits a minor to engage in a live act
2 23 intended to arouse or satisfy the sexual desires or appeal to
2 24 the prurient interests of patrons.
2 25 An aggravated misdemeanor is punishable by confinement for
2 26 no more than two years and a fine of at least \$625 but not
2 27 more than \$6,250.
2 28 LSB 2405HV 83
2 29 jm/nh/8